



CITY OF MEMPHIS

COUNCIL AGENDA

November 15, 2005

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (November 1, 2005)

CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING

1. **ORDINANCE** to establish meeting dates for City Council Meetings in 2006.
Ford Ordinance No. 5140

ACTION REQUESTED: Adopt the ordinance on First reading

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCE - FIRST READING (none)

ZONING ORDINANCE - SECOND READING

2. **ORDINANCE** rezoning the northwest corner of Kimbrough Street and Eastmoreland Avenue, containing 1.09 acres in the Duplex Residential District, up for S E C O N D reading.

Peete Ordinance No. 5139
Case No. Z 05-119

Applicant: Union Realty Company, GP
Ronald Harkavy – Representative

Request: Local Commercial (C-L) & Parking (P) Districts

LUCB recommendation: APPROVAL of Local Commercial (C-L) and
Parking (P) Districts

OPD recommendation: REJECTION of Highway Commercial
APPROVAL of Local Commercial (C-L) and
Parking (P) Districts

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

3. **RESOLUTION** approving final plat of WARNER SUBDIVISION.
Case No. S 05-014

Resolution approves the final plat located on the north side of Poplar between Highland and Goodlett. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving final plat of GEMSTONE PD, PHASE 7.

Case No. PD 99-380

Contract No. CR-4986

Resolution approves the final plat located on the south side of Holmes Road, east of Weaver Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

5. RESOLUTION approving final plat of FOUNTAIN BROOK PD, PHASE 1.

Case No. PD 04-370cc

Contract No. CR-4987

Resolution approves the final plat located on the north side of Berryhill Road, opposite Berry Bush Lane. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

6. RESOLUTION approving final plat of FOUNTAIN BROOK PD, PHASE 4.

Case No. PD 04-370cc

Contract No. CR-4988

Resolution approves the final plat located on the northeast side of Berryhill Road, opposite Coral Shell Lane. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

7. RESOLUTION approving final plat of PEPPERMILL PLANNED DEVELOPMENT.

Case No. PD 04-347cc

Contract No. CR-4989

Resolution approves the final plat located on the north side of Macon Road, 609 feet east of Appling Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

8. RESOLUTION accepting SOUTHERN HEIGHTS SUBDIVISION, PHASES 1 & 2 and authorizing release of bond.

Case No. S 99-068

(Contract No. CR-4757)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the southwest corner of Windsor Road and Horn Lake Road. The standard improvement contract was approved on November 12, 2002. Resolution also authorizes the release of the letter of credit and Amendment No. S033176 in the amount of \$151,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

9. RESOLUTION accepting SOUTHERN HEIGHTS SUBDIVISION, PHASE 3 and authorizing release of bond.

Case No. S 99-068
(Contract No. CR-4758)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Windsor Road, west of Horn Lake Road. The standard improvement contract was approved on November 12, 2002. Resolution also authorizes the release of the letter of credit and Amendment No. S023276 in the amount of \$34,400.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

10. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 05-324

Located southeast of the intersection of Germantown Parkway and Woodchase Drive, ± 75 feet south of the eastern terminus of Woodchase, containing 0.60 acre in the Single Family Residential (R-S8) District

Applicant: Briarwood Baptist Church, Inc.
Teck Tang, THY, Inc. – Representative

Request: Amend boundary of the planned development to exclude this tract

LUCB and OPD recommendation: APPROVAL, with conditions

B. Case No. PD 05-353cc – Shelby Drive/Germantown PD, 2nd Amendment

Located on the north side of Shelby Drive at the northern terminus of Gleneagles Drive, containing 9.47 acres currently governed by Shelby Drive/Germantown Road Planned Development, Amended (PD 99-300cc)

Applicant: Tyrone Thomas
ETI Corporation – Representative

Request: Planned development to allow a restaurant in Area ‘B’ of the Outline Plan

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: HOLD for Thirty (30) days

C. Case No. PD 05-360cc – Stansell Crossing PD, 5th Amendment

Located on the east side of Stansell Court; +/-605 feet north of Lowrance Road, containing 1.85 acres currently governed by Stansell Crossing Planned Development, 4th Amendment (PD 01-307cc)

Applicant: Marianne Lane Thompson
SR Consulting, LLC – Representative

Request: Planned development amendment to Parcels 9 & 10 to allow one (1) four (4)-story hotel building with associated accessory structures and uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. UV 05-07

Located on the south side of Dorothy Place; \pm 70 feet west of Bellevue Blvd.,
containing 7,492 square feet in the Single Family Residential (RS-6) District

Applicant: Richard Liptock

Request: Expansion of a duplex (a non-conforming use in the R-S6 District)

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: December 6, 2005



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MLGW FISCAL CONSENT

11. RESOLUTION awarding Contract No. 11042, Facilities Location Services, to Heath Consultants, Inc. in an estimated funded amount of \$773,550.00. (Held from 11/1)
12. RESOLUTION awarding Contract No. 11062, Underground Construction, to A & L Underground, Inc. in an estimated funded amount of \$8,678,497.81. (Held from 11/1)
13. RESOLUTION awarding Contract No. 11061, Wireless Telephone Service, to Cingular Wireless, Inc. in an estimated funded amount of \$168,000.00.
14. RESOLUTION awarding Contract No. 11067, Parking Garage Ventilation Upgrade, to CS3, Inc. in the funded amount of \$65,750.00.
15. RESOLUTION approving Change No. 14 to Contract No. 10077, Ground Water Institute, with the University of Memphis in the funded amount of \$250,000.00. (This renews the contract for the term 1/1/06 through 12/31/06.)
16. RESOLUTION approving Expedited Procurement Request for Change No. 5 to Contract No. 10855, Wireless Communication Services, with Cingular Wireless, Inc. in an estimated funded amount of \$50,000.00. (This extends the contract beyond the 10/31/05 expiration date to 1/29/06.)
17. RESOLUTION extending contract for electric meter pedestals and sockets with Tennessee Valley Electric Supply Company in the amount of \$369,713.96.
18. RESOLUTION requesting ratification of Purchase Order No. 126039 issued to Eagle Wholesale Supply, Inc. for 18 prefabricated water meter vault assemblies in the amount of \$73,944.00.
19. RESOLUTION awarding contract for SONET multiplexer expansion and spare parts to Coleman Technologies, Inc. in the amount of \$79,750.00.
20. RESOLUTION awarding contract for deep well submersible vertical turbine pumps to Layne Christensen Company in the amount of \$39,838.00.
21. RESOLUTION awarding contract for computer network upgrade equipment to Venture Technologies in the amount of \$731,989.00.
22. RESOLUTION awarding contract for disk storage hardware to Carotek, Inc. in the amount of \$106,548.90.



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APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS (none)

GENERAL ORDINANCES - THIRD AND FINAL READING

23. **ORDINANCE** to amend the City of Memphis Code of Ordinances, by adding a new section, Storm Water Enterprise Fund, establishing a Storm Water Enterprise Fund, providing for the powers, duties and responsibilities of the enterprise, establishing a Storm Water Fee; establishing a policy regarding expenditure of enterprise revenues, up for T H I R D and F I N A L reading. (Held from 10/25)

Hooks

Ordinance No. 5135

Director of Public Works recommends approval

ENGINEERING DIVISION (none)

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

24. INITIAL RESOLUTION to issue Sanitary Sewerage System Revenue Bonds of the City of Memphis, Tennessee for the purpose of financing improvements, additions and extensions to the Sanitary Sewerage System.

Mitchell

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION authorizing the issuance of Sanitary Sewerage System Revenue Bonds, Series 2005, of the City of Memphis, Tennessee for the purpose of financing improvements, additions and extensions to the City's Sanitary Sewerage System.

Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

26. RESOLUTION designating the Hyde Park/Hollywood/Douglas area as slum/blight area. Designation will enable the demolition of structures with CDBG funding.

Holt

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

27. RESOLUTION authorizes the sale of City owned vacant land at 431 Cambridge in the South Memphis Area to Lee Parker in the amount of Five Hundred Dollars (\$500.00).

Holt

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

28. RESOLUTION authorizes the sale of City owned vacant land at 312 Walker in the South Memphis Area to Lee Parker in the amount of \$1,000.00.

Holt

Director of Housing and Community Development recommends approval

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES

29. RESOLUTION including Church Park Renovations, located at Beale St. & Fourth, CIP Project Number PK07082, as part of the Fiscal Year 2006 Capital Budget. Resolution states the Administration is required to present a preliminary design to the appropriate Council Committee. Resolution further requests approval for continuation of plans and specifications for the taking of bids at an estimated construction cost of \$2,000,000.00. (Held from 10/25; 11/1)

McCormick

ACTION REQUESTED: Adopt the resolution

DIVISION OF POLICE SERVICES

30. RESOLUTION accepting grant funds in the amount of \$6,564,498.00 from the U.S Department of Homeland Security for the Memphis Area Bridge Security Grant for costs related to the implementation of the I-55 and I-40 Bridge Security Enhancement Project to protect critical port infrastructures from terrorism, especially explosive devices and non-conventional threats. Resolution also amends the FY2006 Operating Budget to establish and appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION accepting grant funds in the amount of \$1,205,974.70 from the State of Tennessee Department of Transportation for the Governor's Highway Safety Grant for the purpose of providing above baseline services (overtime) for traffic enforcement in Memphis and Shelby County, traffic enforcement equipment and supplies. Resolution also amends the FY2006 Operating Budget to establish and appropriate grant funds.

Sammons

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

32. RESOLUTION amending the FY2006 Capital Improvement Budget by transferring a previous allocation of \$123,433.00 funded by G.O. Bonds General from Crumpler-Global to Shelby, Project Number PW01126 to Global Drive west to Hickory east to Crumpler, Project Number PW01129. Resolution also appropriates \$1,600,433.00 funded by G.O. Bonds General for Global Drive west to Hickory Hill east to Crumpler, Project Number PW01129 for a construction contract with Chancelor and Son, Inc. (Held from 11/1)

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

33. RESOLUTION amending the Fiscal Year 2006 Capital Improvement Budget by transferring a previous allocation of \$112,000.00 funded by G.O. Bonds General from Drainage, CIP Project Number PW03006 to Leath Bayou, CIP Project Number PW03013. Resolution also appropriates \$112,000.00 funded by G.O. Bonds General in Leath Bayou, CIP Project Number PW03013 for the purchase of properties at 935 and 955 Leath Street.

Holt

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

ZONING ORDINANCE - THIRD AND FINAL READING

34. ORDINANCE amending Section 29, Signs and Section 30, Nonconformities, up for T H I R D and F I N A L reading. (Held from 10/25; 11/1)

Peete

Ordinance No. 5136
Case No. ZTA 05-001cc

Applicant: Office of Planning & Development

Request: Amend Section 29, Signs to expand the statement of intent regarding the location of off-premise signs and amend Section 30, Nonconformities regarding alteration, expansion, replacement and moving of off-premise and all signs

Recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

NO NOTICES WERE REQUIRED

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

35. RESOLUTION approving a planned development located on the southeast corner of Hacks Cross Road and Bill Morris Parkway, containing 8.9 acres in the Parcel L of the Buckingham Farms P.D. +/-4 acres (P.D. 95-310cc) and the Nonconnah Crossing Planned Development P.D. 02-335cc – 5.5 acres.(Held from 9/6; 10/11)

Peete

Case No. PD 05-313cc
(Companion Case: PD 03-363cc)

Applicant: Auto Nation
Homer Branan – Representative

Request: Automobile Dealership

LUCB and OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

39 NOTICES MAILED ON AUGUST 19, 2005

36. RESOLUTION approving a planned development located on the south side of Davies Plantation Road at St. Phillip Drive and the northeast side at Davies Plantation Cove, containing 55.05 acres in the Agricultural (AG) District.

Peete

Case No. PD 05-351cc

Applicant: Robert J. Denley
Davis Engineering Co., Inc. – Representative

Request: Planned development to allow sixty-three (63) single family homes, including a lake and common open spaces within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

406 NOTICES MAILED ON NOVEMBER 4, 2005

37. RESOLUTION approving a planned development located at the South terminus of Hudgins Road; east of I-55 and South of Kilarney Road, containing 59.17 acres in the Single Family Residential (R-S8) District.

Peete

Case No. PD 05-361

Applicant: Ferrell Properties
SR Consulting (Cindy Reaves) – Representative

Request: Lots 1&2 – Commercial Uses including an Automobile Dealership and a Billboard
Lot 3 – 18 Office Showroom/Warehouse

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: REJECTION

ACTION REQUESTED: Take whatever action Council deems advisable

101 NOTICES MAILED ON NOVEMBER 4, 2005

38. RESOLUTION approving a subdivision revocation located on the east side of Oak River at the eastern terminus of River Fall Drive, containing 0.362 acre in the Single Family Residential (RS-15) District overlaid by Oak River Green Planned Development (P.D. 05-306).

Peete

Case No. SR 05-901

Applicant: Gray's Creek Development Corp., LP
Brenda Solomito – Representative

Request: 1 Lot Plat Revocation

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

82 NOTICES MAILED ON NOVEMBER 4, 2005

GENERAL ITEM

ADJOURNMENT

ADD-ONS

39. RESOLUTION approving final plat of THE ENCLAVE AT SPARKLE CREEK P.D., PHASE 1.

Consent

Case No. PD 02-302cc

Contract No. CR-4990

Resolution approves the final plat located on the west side of Pisgah Road, south of Humphrey Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

40. RESOLUTION accepting MEMPHIS OAKS DISTRIBUTION CENTER DRAINAGE and SEWER IMPROVEMENTS TO 3860 HOLMES ROAD.

Consent

(Contract No. CR-4847)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the northeast corner of Getwell Road and East Holmes Road. The standard improvement contract was approved on January 6, 2004. Resolution also authorizes the release of the Bond No. 104154974 in the amount of \$240,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION accepting RUBY ESTATES SUBDIVISION and authorizing release of bond.

Consent

Case No. S 99-067

(Contract No. CR-4614AM)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the east side of Weaver Road, 1,892 feet south of Holmes Road. The standard improvement contract was approved on November 26, 2002. Resolution also authorizes the release of the letter of credit and Amendment No. S043421 in the amount of \$26,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION accepting SOUTHERN HEIGHTS SUBDIVISION, PHASE 5 and authorizing release of bond.

Consent

Case No. S 99-068

(Contract No. CR-4772)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located on the south side of Windsor road, west of Horn Lake Road. The standard improvement contract was approved on January 7, 2003. Resolution also authorizes the release of the letter of credit and Amendment No. S023344 in the amount of \$18,000.00.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION approving the final plat of APPLING FARMS BUSINESS PARK PD, PHASE 2, ROAD DEDICATION.

Consent

Case No. PD 04-385
Contract No. CR-4991

Resolution approves the final plat located north of I-40 between Appling Road and Charles Bryan Road. Cost of the required improvements to be borne by the developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

44. RESOLUTION approving final plat of NORTH HOUSTON LEVEE RETAIL CENTER CP, PHASE 1.

Consent

Case No. Z 99-105cc

Resolution approves the final plat located on Houston Levee Road, south of Macon Road. Cost of the required improvements to be borne by the developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

45. **ORDINANCE** rezoning the south side of Walnut Grove Road, 480 feet west of Humphreys Boulevard, containing 1.78 acres in the Agricultural (AG) District, up for F I R S T reading.

Consent

Ordinance No. 5141
Case No. Z 05-123

Applicant: Baptist Memorial Healthcare Systems
ETI Corporation – Representative

Request: Hospital (H) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

46. **ORDINANCE** rezoning the northwest corner of Nonconnah Parkway and Ridgeway Road, containing 15.22 acres in Area B of the Ridgeway-Nonconnah Parkway Center Planned Development, up for F I R S T reading.

Consent

Ordinance No. 5142
Case No. Z 05-125
(Companion Cases: SUP 05-219 & PD 05-357)

Applicant: Acheson Properties
Prime Development (Mike Fahy) – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Adopt the ordinance on First reading

47. RESOLUTION approving temporary structures on the street on December 3, 2005 from 6:30 a.m. to 10:00 a.m., for St. Jude Hospital Memphis Runner Track Club Grizzlies House 5K Run.

Consent

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION approving temporary structures on the street on December 3, 2005 from 6:30 a.m. to 4:00 p.m., for St. Jude Children's Research Hospital – St. Jude Memphis Marathon.

Consent

ACTION REQUESTED: Adopt the resolution

49. RESOLUTION approving release of funds to the New Memphis Arena Public Building Authority of Memphis and Shelby County from Swap Proceeds Custodial Account for settlement of legal claims and payment of administrative expenses

Marshall

ACTION REQUESTED: Adopt the resolution

50. RESOLUTION approving conditions as adopted by the Shelby County Board of Commissioners on November 7, 2005. This item was approved by the City Council on September 6, 2005.

Peete

Case No. SUP 05-205cc

ACTION REQUESTED: Adopt the resolution

51. **APPOINTMENTS**

Marshall

Memphis Housing Authority

Appointment

Deidre Malone

Reappointment

Vatricia A. McKinney

ACTION TAKEN BY COUNCIL ON THIS DATE

1. Through 9 – Approved
10. Public Hearing Set for December 6, 2005
11. Through 13 – Held until December 6, 2005
14. Through 22 – Approved
23. Approved, as amended
24. Through 28 – Approved
29. Dropped
30. & 31 – Approved
32. Held until December 6, 2005
33. Approved
34. Held until December 6, 2005
35. Approved, as amended
36. Dropped
37. Approved, as amended
38. Through 51 - Approved

ACTION TAKEN ON THE MINUTES OF NOVEMBER 1, 2005 MEETING

Approved, as amended (Items #52 – SUP 05-207 & #53 – SUP 05-208, from October 11, 2005 Meeting, Site Plan Conditions were amended by removing the groundwater monitoring wells)